

# **EXHIBIT E**

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WISCONSIN  
-----

3 GEORGIA-PACIFIC LLC and  
4 UNITED STATES OF AMERICA,

5 Petitioners,

6 vs.

Case No. 10-MC-22

7 NCR CORPORATION and  
8 FRED T. HEINRITZ,

9 Respondents.  
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10  
11 Video Deposition of FRED T. HEINRITZ

12 Tuesday, June 22nd, 2010

13  
14 9:01 a.m.

15 at

16 COPPER LEAF HOTEL  
17 300 West College Avenue  
18 Appleton, Wisconsin  
19  
20  
21  
22  
23

24 Reported by Kealoha A. Schupp, RPR  
25

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<p>1 A Yes.</p> <p>2 Q -- "Agreement"?</p> <p>3 A Yes.</p> <p>4 Q Do you -- do you recall any kind of discussions --</p> <p>5 A No.</p> <p>6 Q -- about a process --</p> <p>7 A No, I do not.</p> <p>8 Q -- development agreement?</p> <p>9 A No.</p> <p>10 Q Do you recall there being some sort of discussions</p> <p>11 with Wiggins Teape that would make the board of</p> <p>12 directors of Appleton uneasy because of relations</p> <p>13 with National Cash?</p> <p>14 A No.</p> <p>15 Q If we can direct your attention, Mr. Heinritz, back</p> <p>16 to Deposition Exhibit 2, which is your affidavit.</p> <p>17 A Okay.</p> <p>18 Q Do -- did you meet with counsel in connection with</p> <p>19 preparing this?</p> <p>20 A Yes.</p> <p>21 Q Okay. Where did you meet?</p> <p>22 A We met at Appleton Papers -- in connection with this</p> <p>23 we met at my home.</p> <p>24 Q All right. And the reason why I was asking is</p> <p>25 because I, for some reason, had the belief that you</p>		<p>1 CB broke; do you see that?</p> <p>2 A Yes.</p> <p>3 Q Does that refresh your recollection at all that there</p> <p>4 were discussions between Wiggins Teape and Appleton</p> <p>5 regarding CB broke?</p> <p>6 A No.</p> <p>7 Q Where would you have gotten the information that is</p> <p>8 contained in this letter?</p> <p>9 MR. WESTERFIELD: Objection, lack of</p> <p>10 foundation.</p> <p>11 THE WITNESS: I have a lot of -- a lot of</p> <p>12 reservations about the whole letter, so I -- I'm not</p> <p>13 going to -- I have no idea where the letter came from</p> <p>14 or what happened.</p> <p>15 BY MS. CONLIN:</p> <p>16 Q What are your reservations about the letter, sir?</p> <p>17 A Well, it's not a -- it's not a letter that I wrote.</p> <p>18 There's a note on the top that it's a copy. It's not</p> <p>19 on our letterhead.</p> <p>20 Down at the bottom it is marked</p> <p>21 "signed" in parentheses. That would not be on the</p> <p>22 letter. There's a word misspelled in there, which is</p> <p>23 an English spelling instead of --</p> <p>24 Q Which one's that, sir?</p> <p>25 A "Favourably." That's not the way it would have come</p>	
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<p>1 winter in Florida; am I accurate on that?</p> <p>2 A For a while, yes.</p> <p>3 Q Okay. So you were back at this point in time?</p> <p>4 A Yes.</p> <p>5 Q Were you shown any documents in connection with</p> <p>6 preparing this affidavit --</p> <p>7 A Yes.</p> <p>8 Q -- other than -- other than the one that's attached?</p> <p>9 A Yes.</p> <p>10 Q You were shown other documents?</p> <p>11 A Yes.</p> <p>12 MS. CONLIN: Okay. I'd request those, if</p> <p>13 he was -- if the witness was shown those for</p> <p>14 refreshing recollection, then we're entitled to</p> <p>15 identification.</p> <p>16 BY MS. CONLIN:</p> <p>17 Q Now, if you can turn to the letter which is attached</p> <p>18 to this affidavit --</p> <p>19 A Yes.</p> <p>20 Q -- which is a letter which is dated May 19th, 1965</p> <p>21 from you to a Mr. A.E. Burroughs and addressed "Dear</p> <p>22 Sam." Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Okay. And it's referencing a letter that was sent by</p> <p>25 Mr. Burroughs on May 13th regarding repulping of NCR</p>		<p>1 out of my office.</p> <p>2 Q Hold on. Let me just see where you're at.</p> <p>3 A Second to last --</p> <p>4 Q Oh, "This compares favourably" --</p> <p>5 A Yes.</p> <p>6 Q -- "with other" --</p> <p>7 A That's not --</p> <p>8 Q -- "white" -- okay.</p> <p>9 A That's not -- that's not a spelling that would have</p> <p>10 come out of my office. If it -- if my secretary</p> <p>11 would have written it that way, I would have</p> <p>12 corrected it before the letter went out, and I</p> <p>13 don't -- I just don't think the letter is authentic.</p> <p>14 Q Did you -- so let me just back up and pare this down.</p> <p>15 Do you see at the bottom it's got</p> <p>16 "F.T. Heinritz" at the bottom with a period?</p> <p>17 A Yes.</p> <p>18 Q Do you remember who your secretary was at the time?</p> <p>19 A No.</p> <p>20 Q Who -- well, do you recall your secretaries at any</p> <p>21 point in time?</p> <p>22 A We had a gal named Edy. She did most of our work.</p> <p>23 Q And what was Edy's last name?</p> <p>24 A I don't know.</p> <p>25 Q Can't remember?</p>	

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<p>1 A No.</p> <p>2 Q Anyone else that you can remember?</p> <p>3 A No.</p> <p>4 Q Okay. Now, when letters were prepared at Appleton,</p> <p>5 there would be a copy that was sent to the addressee,</p> <p>6 correct?</p> <p>7 A The original would have been sent.</p> <p>8 Q Right. And then there would be a copy that you would</p> <p>9 maintain for your files at Appleton, correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. At that point in time were you using carbon</p> <p>12 copy?</p> <p>13 A I don't know.</p> <p>14 Q Okay. You don't recall -- I mean, Xerox copiers were</p> <p>15 a bit later in time, if that helps you?</p> <p>16 A Yeah.</p> <p>17 Q So do you recall having carbon copies, though, that</p> <p>18 would be placed in files?</p> <p>19 A Well, in 1965 it would have been carbonless paper I'm</p> <p>20 sure.</p> <p>21 Q Okay. And would you keep a file copy that -- well,</p> <p>22 you would send the actual signed copy out; is that</p> <p>23 right?</p> <p>24 A Yes.</p> <p>25 Q Okay. And you would keep a -- retain a copy for your</p>	<p>1 Paper Company, Kalamazoo, Michigan." Do you see</p> <p>2 that?</p> <p>3 A Yes.</p> <p>4 Q Okay. So at least one of the three companies, as you</p> <p>5 sit here today, you remember selling broke to,</p> <p>6 correct?</p> <p>7 A I told you that it went to Bergstrom. I don't -- I</p> <p>8 didn't recall going to Kalamazoo.</p> <p>9 Q Okay. So Bergstrom Paper Company is in Neenah,</p> <p>10 Wisconsin?</p> <p>11 A Yes.</p> <p>12 Q Okay. So the only one that you don't recall is the</p> <p>13 Allied Paper Company in Kalamazoo, Michigan?</p> <p>14 A Yes.</p> <p>15 Q Okay. If you were going to obtain information</p> <p>16 regarding where CB broke was sold to, who at Appleton</p> <p>17 would you have contacted at the time?</p> <p>18 MR. WESTERFIELD: Objection, calls for</p> <p>19 speculation.</p> <p>20 THE WITNESS: I don't know. I don't know.</p> <p>21 BY MS. CONLIN:</p> <p>22 Q You don't know who you'd ask?</p> <p>23 A Who -- repeat your question.</p> <p>24 Q Sure. If in 1965 you were trying to find out where</p> <p>25 NCR CB broke was sold into, who would you contact at</p>
Video Deposition of FRED T. HEINRITZ, 6/22/10 Page 79	Video Deposition of FRED T. HEINRITZ, 6/22/10 Page 81
<p>1 files that would not necessarily be signed, right?</p> <p>2 A Yes.</p> <p>3 Q And the secretary would indicate that you had signed</p> <p>4 it, though, on the carbonless --</p> <p>5 MR. WESTERFIELD: Objection, lack of</p> <p>6 foundation.</p> <p>7 BY MS. CONLIN:</p> <p>8 Q -- copy, right?</p> <p>9 A I don't know.</p> <p>10 Q You don't know?</p> <p>11 A No.</p> <p>12 Q Okay. Now, in the first paragraph of this it says:</p> <p>13 "I have your letter of May 13th regarding re-pulping</p> <p>14 of NCR broke." Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And it says (as read): "Several different mills have</p> <p>17 limited quantities of our CB broke over the years,</p> <p>18 including Bergstrom Paper Company." Do you see that?</p> <p>19 A Yes.</p> <p>20 Q And that's consistent with your testimony earlier</p> <p>21 today, correct?</p> <p>22 A Yes.</p> <p>23 Q You recall broke going to Bergstrom Paper, right?</p> <p>24 A Yes.</p> <p>25 Q And then it says: "Neenah, Wisconsin and Allied</p>	<p>1 your company?</p> <p>2 A That's a question I can't answer.</p> <p>3 Q Can you think of names that you --</p> <p>4 A No.</p> <p>5 Q -- might want to go --</p> <p>6 A No.</p> <p>7 Q -- ask?</p> <p>8 A No.</p> <p>9 Q What about would you have gone to U.S. Supply, Paper</p> <p>10 Supply?</p> <p>11 A Well, you're speculating. You're asking me if I</p> <p>12 wanted to know. I don't know.</p> <p>13 Q Well, and that's what I'm trying to do, sir --</p> <p>14 A You're just --</p> <p>15 Q -- I'm trying to see if I can --</p> <p>16 A That's just speculation. I won't answer that.</p> <p>17 Q Well, what I'm trying to do, sir, with all due</p> <p>18 respect, is refresh your recollection. I'm not</p> <p>19 trying to put words in your mouth. I'm just trying</p> <p>20 to find out --</p> <p>21 A You're talking about 45 years ago.</p> <p>22 Q I understand.</p> <p>23 A I'm not going -- I'm not going to speculate on what I</p> <p>24 recall. Then it would be speculation on my part. So</p> <p>25 I'm not going to answer that.</p>

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<p>1 Q You learned about that after the fact?</p> <p>2 A Yeah.</p> <p>3 MS. CONLIN: No further questions.</p> <p>4 MR. WESTERFIELD: Mr. Heinritz, I've got</p> <p>5 just a few.</p> <p>6 THE WITNESS: Sure.</p> <p>7 EXAMINATION</p> <p>8 BY MR. WESTERFIELD:</p> <p>9 Q Do you recall ever learning that NCR broke from</p> <p>10 Appleton Coated was shipped to Allied Paper in</p> <p>11 Kalamazoo?</p> <p>12 A No.</p> <p>13 Q Do you recall ever learning that NCR broke from</p> <p>14 Appleton Coated was shipped to Kimberly-Clark in</p> <p>15 Ohio?</p> <p>16 A No.</p> <p>17 Q Do you recall ever learning that NCR broke was ever</p> <p>18 shipped to any paper mills along the Kalamazoo?</p> <p>19 A No, I do not.</p> <p>20 Q Let me ask you a question about Exhibit 2.</p> <p>21 The letter that's attached to the back</p> <p>22 of Exhibit 2 --</p> <p>23 A Yes.</p> <p>24 Q -- is it possible that this document is the copy that</p> <p>25 was retained by your office of another copy that was</p>	<p>1 A I have no information.</p> <p>2 Q Okay. One way or the other?</p> <p>3 A That's your words, not mine.</p> <p>4 Q Well, that's --</p> <p>5 A I'm not going to answer.</p> <p>6 Q Well, here's --</p> <p>7 A I won't answer, okay? That's just speculation, and I</p> <p>8 don't go along with that. I will not say any more.</p> <p>9 That's it. Forget it.</p> <p>10 Q And what I'm trying --</p> <p>11 A Forget it.</p> <p>12 Q What I'm trying to nail down, sir, is that when</p> <p>13 Mr. Westerfield just asked you the questions about</p> <p>14 you not recalling whether the NCR paper was sold to</p> <p>15 Allied or Kimberly-Clark, what I'm trying to find out</p> <p>16 is, you don't have any reason to know whether it was</p> <p>17 sold or wasn't sold, right, sir?</p> <p>18 A I have no information.</p> <p>19 Q Okay. Now, finally, he asked you about the Exhibit 2</p> <p>20 file copy; do you recall that?</p> <p>21 A Yes.</p> <p>22 Q Okay. Did I mishear you earlier, sir, or did you say</p> <p>23 you weren't sure how the file copies were kept, that</p> <p>24 that was something that your assistant did?</p> <p>25 A I don't understand your question because I -- this is</p>
Video Deposition of FRED T. HEINRITZ, 6/22/10 Page 103	Video Deposition of FRED T. HEINRITZ, 6/22/10 Page 105
<p>1 sent to Wiggins Teape?</p> <p>2 A This would not be in the form of a copy we would have</p> <p>3 in our file. It's not a copy that we produced.</p> <p>4 Q Okay.</p> <p>5 A It's not even a copy of anything we wrote, because</p> <p>6 there's too many discrepancies in it.</p> <p>7 Q And a little while ago Ms. Ford asked you about the</p> <p>8 Appleton Coated companies, and if I understand, she</p> <p>9 was -- and I understand you understood that she was</p> <p>10 speaking of Appleton Coated Paper Company, Appleton</p> <p>11 Papers, Inc. and the Appleton Papers division of NCR</p> <p>12 Corp. Is that what you understood?</p> <p>13 A Yes.</p> <p>14 MR. WESTERFIELD: I don't have anything</p> <p>15 further.</p> <p>16 MS. CONLIN: I have a couple follow-up.</p> <p>17 EXAMINATION</p> <p>18 BY MS. CONLIN:</p> <p>19 Q You don't have any reason to dispute whether NCR</p> <p>20 broke was sold into mills in the Kalamazoo region,</p> <p>21 correct, sir?</p> <p>22 A That's speculation. I won't -- I have no</p> <p>23 information.</p> <p>24 Q You have no information one way or another, right,</p> <p>25 sir?</p>	<p>1 not a copy of a file -- of a letter that I wrote.</p> <p>2 It's a reproduction or it's a misinterpretation or</p> <p>3 maybe it was just made up. I don't know. It's got</p> <p>4 too many things wrong with it.</p> <p>5 Q My question --</p> <p>6 A It's not a copy of a letter I wrote.</p> <p>7 Q Okay. My question was a little different, sir.</p> <p>8 You don't have any recollection today</p> <p>9 how file copies of letters that were sent by you were</p> <p>10 maintained by your secretary, correct?</p> <p>11 A They were maintained in our file with the original</p> <p>12 from the person that wrote to me. This letter --</p> <p>13 Q Let me -- hold -- let me just -- let me follow-up on</p> <p>14 that.</p> <p>15 I'm asking about letters that went out</p> <p>16 from you.</p> <p>17 A Yes.</p> <p>18 Q All right? You don't recall, as you sit here today,</p> <p>19 what those file copies -- or how they were</p> <p>20 maintained, correct, sir?</p> <p>21 A Well, they were maintained in a file by my secretary</p> <p>22 just like any other correspondence.</p> <p>23 Q Okay. I -- and you previously testified you didn't</p> <p>24 know whether those would be Xerox or carbonless</p> <p>25 paper, right?</p>

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1 A Well, I would -- in 1965 they would have been  
2 carbonless.  
3 Q Okay. Do you know if your secretary maintained a  
4 physically signed copy? In other words, if you  
5 signed it, Fred T. Heinritz, would the Fred T.  
6 Heinritz be in the file copy?  
7 A I don't know.  
8 MS. CONLIN: Okay. I have no further  
9 questions.  
10 MR. WESTERFIELD: Renita, anything more?  
11 MS. FORD: No. I -- I don't -- not right  
12 now, no. No.  
13 MR. WESTERFIELD: Okay. I guess we're  
14 done.  
15 MS. CONLIN: Do you want to take a break,  
16 Renita, and talk with your colleagues before we  
17 adjourn, or are you okay?  
18 MS. FORD: I think we're okay.  
19 MR. WESTERFIELD: So we'll read it.  
20 VIDEOGRAPHER: Going off the record at  
21 12:11. End of deposition DVD 3 of 3. Microphones  
22 are off.  
23 \* \* \* \*  
24 (Deposition concluded at 12:11 p.m.)  
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1 STATE OF WISCONSIN }  
2 MILWAUKEE COUNTY } SS:  
3  
4 I, Kealoha A. Schupp, RPR and Notary  
5 Public in and for the State of Wisconsin, do hereby  
6 certify that the preceding deposition was recorded by  
7 me and reduced to writing under my personal  
8 direction.  
9 I further certify that said deposition  
10 was taken at the COPPER LEAF HOTEL, 300 West College  
11 Avenue, Appleton, Wisconsin, on the 22nd day of June,  
12 2010, commencing at 9:01 a.m.  
13 I further certify that I am not a  
14 relative or employee or attorney or counsel of any of  
15 the parties, or a relative or employee of such  
16 attorney or counsel, or financially interested  
17 directly or indirectly in this action.  
18 In witness whereof, I have hereunto  
19 set my hand and affixed my seal of office on this  
20 27th day of June, 2010.  
21  
22 \_\_\_\_\_  
23 Kealoha A. Schupp, RPR  
24 Notary Public  
25 My commission expires January 29th, 2012.

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1 STATE OF \_\_\_\_\_ }  
2 COUNTY OF \_\_\_\_\_ } SS.  
3  
4 I, FRED T. HEINRITZ, do hereby certify  
5 that I have read the foregoing transcript of  
6 proceedings taken on the 22nd day of June, 2010, at  
7 the COPPER LEAF HOTEL, 300 West College Avenue,  
8 Appleton, Wisconsin, and the same is true and correct  
9 except for the list of corrections, if any, noted on  
10 the annexed errata sheet.  
11  
12 Dated at \_\_\_\_\_ (city), \_\_\_\_\_ (state),  
13 this \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
14  
15 \_\_\_\_\_  
16 FRED T. HEINRITZ  
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